

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42562 OF 2017

ORDER:

This writ petition is filed challenging the proceedings in Rc.No.8595/2017/Cr/2, dated 04-12-2017, wherein and whereby the 2nd respondent postponed the elections for the post of President of PDCC Bank Limited, Ongole by exercising powers under Rule 22-C of A.P.Co-operative Societies Rules, 1961 (for short " Rules"), which is scheduled to be held on 05-12-2017.

Learned counsel for the petitioner submits that elections can be postponed only when conditions as envisaged under Rule 22-C of Rules are satisfied. Except repeating two words in the said section, the impugned order has been passed without any application of mind. He also submits that after postponement of election process, when the conditions become conducive election process has to be commenced. He also submits that even in the counter affidavit filed by the 2nd respondent several allegations are made and the Superintendent of Police, Prakasam District gave report vide proceedings dated 03-12-2017, wherein also, it is reported that District Police force was engaged in the arrangements for visit of Hon'ble President and Vice President from 04-12-2017 to 10-12-2017 and he requested the 3rd respondent to postpone the election process.

Learned Government Pleader for Cooperation submits that since coercive tactics are being adopted by petitioner No.1

by trying to induce the Directors to caste vote in his favour and he is resorting to horse trading and camp politics, as such elections could not be conducted. He also submits that term of the committee expires on 04-02-2018.

Learned counsel appearing for the implead petitioners also reiterated the submissions made by Government Pleader for Cooperation.

In this case it is to be seen that in para No.9 of counter affidavit filed by 2nd respondent, it is stated as follows:

“The Superintendent of Police reported vide Procs.C.No.525/XV/SB/ONG/2017, dated 03-12-2017 that there is a reasonable apprehension that voters will not be allowed to vote frankly and freely, and also reported that the District Police force was engaged in visit of Hon’ble President and Vice President of India, Hon’ble Governor and Chief Minister of Andhra Pradesh to attend President’s fleet at Visakhapatnam from 04-12-2017 to 10-12-2017. He requested the 3rd respondent to postpone the Election process till the conditions become conducive for recommencing of Election by enclosing the copies of the Statements of the Sri Kande Srinivasulu, who is acting as in-charge President of DCCB.”

Except reiterating the wording of Section 22-C of Rules, respondents have not produced any material in support of their contentions for postponing elections and now the police apprehension that they are unable to provide necessary protection from 04-12-2017 to 10-12-2017 during the visit of dignitaries. Now that stage passed.

In view of the same, the impugned order is set aside and 2nd respondent is directed to conduct elections from the stage where it was stopped.

Accordingly, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

02-01-2018

Nvl



